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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,188	02/27/2004	Ulf R. Hanebutte	INT.P013	6945

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EXAMINER	
LE, JOHN H	
ART UNIT	PAPER NUMBER
2863	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/789,188	HANEBUTTE, ULF R.	
	Examiner	Art Unit	
	John H. Le	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 March 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6,12-15,17-20,24 and 31-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *31-35* is/are allowed.

6)☒ Claim(s) *1,3,5,12-15,17-19 and 24* is/are rejected.

7)☒ Claim(s) *2,4,6 and 20* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

2. Applicant's amendment filed 03/02/2007 has been entered and carefully considered.

Claim 13 has been amended.

Claims 7-11, 16, 21-23, 25-30, 36-38 have been amended.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 13, line 6, "update the frequency for the power data is sufficient". The power data is sufficient are not found in the specification. Claim 13, line 8, "update the frequency is insufficient". The update frequency is insufficient are not found in the specification.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 13 and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention. Claim 13, line 6 and line 10, "update the frequency for the power data is sufficient". The power data is sufficient are not found in the specification. Claim 13, line 8, "update the frequency is insufficient". The update frequency is insufficient are not found in the specification. Claim 15, line 2, "update frequency is insufficient". The update frequency is insufficient are not found in the specification.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1, 3, 5, 12, 18, 19, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thelander et al. (US 2003/0009705) in view of Potega (US 2003/0085621), Karunaratne (US 2004/0243376) and Culbert et al. (US 5,600,841).

Regarding claims 1, 18, Thelander et al. disclose a method for managing power data ([0008]), comprising: determining an amount of power used by a system running an application over a first time period from an operating system (e.g. [0056], [0058]-[0060]) by integrating a drain rate of the battery over the time period (e.g. Fig.4, [0044]-[0045]); determining an amount of power used by the system in a baseline state over a second time period from the operating system (e.g. [0056], [0058]-[0060], [0093]); and determining a net power consumption of the application from the amount of power used

for the system running the application and the amount of power used by the system in the baseline state (e.g. [0056], [0093]).

Thelander et al. fail to disclose determining an amount of power used by a system running an application over the time period from power data supplied to an operating system by a battery over the time period.

Potega teaches steps of determining an amount of power used by a system running an application over the time period from power data supplied to an operating system by a battery over the time period (computer running power management software monitors status of battery and control power supplied, [282]-[285], [183]-187]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to inform steps of determining an amount of power used by a system running an application over the time period from power data supplied to an operating system by a battery over the time period as taught by Potega in a method for managing power data of Thelander et al. for the purpose of providing a intelligent power supplly (Potega, [0081]).

Potega discloses determining a systematic error of power data (e.g. [0118], [0273]-[0275]), supplied to an operating system by a battery (computer running power management software monitors status of battery and control power supplied, [282]-[285], [183]-187]), used for identifying an amount of power used by a system running an application by determining an update granularity of the power data (power supply data update by software, [0431]).

The combination of Thelander et al. and Potega fail to teach dividing the update granularity of the power data by the time period; and generating an indication to a user if the systematic error exceeds a predetermined value.

Karunaratne teaches dividing the update of the power data by the time period (e.g. [0074]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to inform steps of dividing the update of the power data by the time period as taught by arunaratne in a method for managing power data of Thelander et al. in view of Potega for the purpose of providing a method for estimating a power requirement of a circuit design (Karunaratne, [0013]).

Culbert et al. teach generating an indication to a user if the systematic error exceeds a predetermined value (e.g. Col.8, lines 8-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to inform step of generating an indication to a user if the systematic error exceeds a predetermined value as taught by Culbert et al. in a method for managing power data of Thelander et al. in view of Potega and Karunaratne for the purpose of providing a system for controlling power in electronic devices (Culbert et al., Col.1, lines 11-14).

Regarding claims 3 and 5, Thelander et al. disclose determining an amount of power used by a system running an application over a first time period from an operating system (e.g. [0056], [0058]-[0060]) by integrating a drain rate of the battery over the time period (e.g. Fig.4, [0044]-[0045]);

Regarding claims 12 and 24, Thelander et al. teach providing a suggested run-time to reduce the systematic error (e.g. [0056]).

Regarding claim 19, Potega discloses the power data comprises power capacity (e.g. [0149]) and drain rate data from a battery (e.g. [0186]).

8. Claims 13-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thelander et al. (US 2003/0009705) in view of Kamel et al. (USP 6,285,886) and Maciesowicz (US 6,907,482).

Regarding claims 13 and 17, Thelander et al. teach a method for managing power data, comprising: collecting power data for a system running an application from an operating system over a first time period (e.g. [0056], [0058]-[0060]); collecting power data for the system in a baseline state from the operating system over a second time period (e.g. [0056], [0058]-[0060], [0093]); and determining a net power consumption of the application from the power data (e.g. [0056], [0093]).

Thelander et al. fail to teach determining whether the update frequency for the power data is sufficient and generating a new run-time to run the application and displaying the new run-time to a user if the update frequency is insufficient.

Kamel et al. teach determining whether the update frequency for the power data is sufficient and insufficient (e.g. Col.10, lines 15-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to inform step of determining whether the update frequency for the power data is sufficient and insufficient as taught by Kamel et al. in a method for managing power data of Thelander et al. for the purpose of providing a the power

control method may be applied to downlink power control, uplink power control, or both to support different quality of service levels for multiple traffic channels per each subscriber (Kamel et al., Col.1, lines 28-31).

Maciesowicz teaches generating a new run-time to run the application and displaying the new run-time to a user (e.g. Col.5, lines 55-66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to inform step of generating a new run-time to run the application and displaying the new run-time to a user as taught by Maciesowicz in a method for managing power data of Thelander et al. in view of Kamel et al. for the purpose of providing an Universal Graphics Adapter (UGA) supports basic drawing operations, continuous display modes, and power management (Maciesowicz, Col.2, lines 15-17).

Regarding claim 14, Thelander et al. teach the first time period and the second time period are of equal duration (e.g. Fig.4).

Regarding claim 15, Kamel et al. teach teach transmitting an indication that the power data is invalid if the update frequency is insufficient (e.g. Col.10, lines 15-30).

Allowable Subject Matter

9. Claims 31-35 are allowed.

10. Claims 2, 4, 6, 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons For Allowance

The combination as claimed wherein generating an indication to a user if the difference between the first and the second net power values exceeds a threshold value (claim 31) is not disclosed, suggested, or made obvious by the prior art of record.

Contact Information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John H. Le whose telephone number is 571 272 2275. The examiner can normally be reached on 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Barlow can be reached on 571 272 2269. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

John H. Le

Patent Examiner-Group 2863

March 14, 2007

John Barlow
Supervisory Patent Examiner
Technology Center 2800